

# **EXHIBIT A**

**Daniel McFadden**

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**From:** Daniel McFadden  
**Sent:** Friday, December 28, 2018 1:54 PM  
**To:** 'foia@hq.dhs.gov'  
**Subject:** FOIA Request  
**Attachments:** DHS FOIA 12 28 18.pdf

To whom it may concern,

Please see the attached FOIA request.

Regards,  
Dan McFadden

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**Dan McFadden**

Pronouns: he, him, his

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December 28, 2018

**Via Electronic Mail**

U.S. Department of Homeland Security  
245 Murray Lane SW  
Washington, D.C. 20528  
foia@hq.dhs.gov

Re: FOIA Request

To whom it may concern:

This letter constitutes a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552. This request is submitted on behalf of the American Civil Liberties Union of Massachusetts (the "ACLUM").

On December 24, 2018, the President of the United States made an announcement (the "Announcement") on Twitter that:

*I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas.<sup>1</sup>*

ACLUM requests the following records:

1. The "contract" referenced in the Announcement.
2. All purchase orders, invoices, RFPs, documentation of selection, sole source or limited source justification and approval documents, studies of cost, efficacy, and/or environmental impact, and other memoranda and documentation pertaining to the "contract" referenced in the Announcement

If this request is denied in whole or part, we ask that you justify each such denial by reference to specific exemptions of the FOIA. Please release all segregable portions of otherwise exempt material.

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<sup>1</sup> <https://twitter.com/realDonaldTrump/status/1077329121745793025>

We request a fee waiver because ACLUM is a “representative of the news media” under the FOIA. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); *Nat’s Security Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir 1989). ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM’s mission and work. ACLUM publishes newsletters, news briefings, reports and other materials that are disseminated to the public, including through ACLUM’s website<sup>2</sup> and regular posts on social media sites such as Facebook and Twitter. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. Accordingly, ACLUM is entitled to a fee waiver.

In addition, ACLUM is entitled to a waiver or reduction of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and disclosure of the information is not primarily in the commercial interest of the requester. *See* 5 U.S.C. § 552(a)(4)(A)(iii). The public is keenly interested in understanding the scope, nature, cost, and efficacy of DHS operations at the U.S.-Mexico border, which have been a widely publicized feature of the President’s campaign and public agenda in office.

We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Please provide documents in digital form wherever possible.

We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

**Thank you for your prompt attention to this matter.**

Sincerely,

*/s/ Daniel L. McFadden*

Daniel L. McFadden

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<sup>2</sup> [www.aclum.org](http://www.aclum.org)